NO. 80-2152

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

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SUPREME COURT, U.S.

STATE OF MISSOURI, ET AL.,

PETITIONERS

V.

CRATON LIDDELL, ET AL.,

AND

EARLINE CALDWELL, ET AL.,

AND

JANICE ADAMS, ET AL

AND

BOARD OF EDUCATION OF THE
CITY OF ST. LOUIS, ET AL.,

AND

THE CITY OF ST. LOUIS, MISSOURI

AND

THE UNITED STATES OF AMERICA

RESPONDENTS

BRIEF IN OPPOSITION OF RESPONDENTS CRATON LIDDELL, ET AL

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NO. _____

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

STATE OF MISSOURI, ET AL.,

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CRATON LIDDELL, ET AL.,

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BOARD OF EDUCATION OF THE
CITY OF ST. LOUIS, ET AL.,

AND

THE CITY OF ST. LOUIS, MISSOURI

AND

THE UNITED STATES OF AMERICA

RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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Petitioners, State of Missouri, have asked this Court to issue a Writ of Certiorari to review the judgment and opinion of the United States Court of Appeals for the Eighth Circuit entered on March 3, 1980, Adams vs. United States, 620 F. 2d 1277 (8th Circuit 1980), and the judgment and opinion of the United States Court of Appeals for the Eighth Circuit entered February 13, 1981, Liddell, et al., vs. Board of Education of the City of St. Louis, et al, 80-1458 - 80-1494 - 80-1531 - 80-1599 and 80-1735. No appeal was taken of the judgment and opinion handed down by the Court of Appeals on March 3, 1980, Adams vs. United States, supra. Petitioners' Application for stay of the judgment and opinion handed down by the Eighth Circuit Court of Appeals February, 1981, Liddell, et al., vs. Board of Education, et al., supra, was denied.

Respondents, Craton, et al., respectfully urge this Court to deny the present petition.

STATEMENT OF THE CASE

This case was instituted in February, 1972 by Craton Liddell, et al., respondents, herein on behalf of himself and all black children of school age within the City of St. Louis, Missouri. Respondents alleged that the Board of Education of the City of St. Louis, Missouri operated a school system which was in violation of the Fourteenth Amendment.

During the nine and one-half years of this litigation, six additional parties were added: Earline Caldwell, et al, by intervention, Liddell, et al vs. Caldwell, et al,, 546 F 2d (8th Circuit 1976). Plaintiffs-Intervenors, City of St. Louis, Missouri, Janice Adams, et al., and the United States of America by their motion. On motion of Intervenors Caldwell, et al., others and the United States, the State of Missouri, The State Board of Education and the Commissioner of Education were made Defendants by the District Court's order of July 13, 1977. (See Appendix A)

All parties were bound by the pleadings, stipulation of facts and the consent decree (District Court Order, July 13, 1977). Despite its ruling that all parties were bound by the stipulation of facts and consent decree, the Court ruled that a trial be had in order to determine the extent of the consitututional violation of Defendants, if any. Trial began October 17, 1977 and ended May 26, 1978. The State of Missouri was represented by counsel during the entire proceeding.

In 1979, the District Court rendered its finding and judgment; that there had been no intentional segregation of students by the actions or inactions of Defendants City Board of Education and State of Missouri and no consitutional violations, 469 F. Supp 1304. This was overturned by the Eighth Circuit Court en banc on March 3, 1980, Adams vs. United States, 620 F. 2d 1277 (8th Circuit 1980; cert. denied, 101 Sup. Ct. 88, 1980).

Petitioners, State of Missouri, et al, did not appeal the March 3, 1980 judgment and opinion of the Court of Appeals and did not appeal the actions of the District Court making them a party

on July 13, 1977. Nor did Petitioner, State of Missouri appeal the judgment and opinion of the District Court's findings of March, 1979 which absolved the state of liability.

Following remand by the Eighth Circuit overturning the District Court's findings the St. Louis Board of Education submitted its plan for desegregation of the school system. The District Court concluded that the State was a primary constitutional wrong-doer and directed the State to pay one-half of the costs of the desegregation plan. The State was represented by counsel throughout these hearings. Additionally, the Court directed the State of Missouri, City Board of Education and plaintiff-intervenor, the United States, to develop the following plans:

A - Voluntary cooperative pupil-exchange with the thirty-nine schools districts in St. Louis, Franklin and Jefferson Counties.

B - A plan for the consolidation and merger of the separate vocational education programs of the Special School District of St. Louis County and the City School Board.

C - A mandatory interdistrict desegregation plan to desegregate the over 30,000 black pupils in North St. Louis who remain in all segregated schools.

On appeal, this plan was affirmed by the Eighth Circuit Court of Appeals the State's petition for rehearing was denied. State's application for stay of the judgment to the Eighth Circuit Court of Appeals was denied. State's application for stay of mandate to Mr. Justice Blackmum was denied. (See Appendix B)

REASONS FOR DENYING THE WRIT

I.

The Eighth Circuit Court of Appeals Did Not Apply an Improper Standard in Determining the Effectiveness of a 1954 Desegregation Plan Espoused by the School Board of the City of St. Louis:

a. The plan did not rid the school system of the pre-1954 racial separation.

b. The population shifts within the city and school system were "managed" so as to continue the pre-1954 pattern of racial separation in the public school system.

c. The evidence corroborates that continuity.

There is no question that the State of Missouri was primarily responsible for racially segregated public schools in this State as this separation was mandated by the State Constitution and statutes, and is admitted by Petitioners in this application for this Court's writ, (Petition, P. 5). However, the inference that independently of court mandate the Board of Education of the City of St. Louis was preparing for implementation of a plan of desegregation inconsistent with the constitutional requirements of racial separation in the public schools is not accurate.

After Brown I, the St. Louis Board of Education on June 22, 1954 adopted a 2 year plan (for completion in 1956) for the assignment of all elementary students to neighborhood schools. Theoretically, race was not to be a consideration. This is true in theory only because in St. Louis residential neighborhoods had been constructed and "managed" in such a manner that they were racially identifiable with the part of the school district in which they were located. This neighborhood "management" was by public and private agencies with the efforts of the private agencies being enforced by the state and federal courts. These efforts were subsequently ruled constitutionally illegal so that it was the assignment of students to schools based on a constitutionally illegal mechanism that the Eighth Circuit Court of Appeals struck down a plan which did not remedy (but mantained in pace) the state's constitutionally mandated racially dual school system. Further the Eighth Circuit reaffirmed that the elimination of overt racial indentification in student assignment alone was not sufficient in and of itself and that student assignments based on illegal means were illegal also,

Petitioner, State of Missouri talked about "demographic change" which took place within the school district (Petition P. 7) as if this change resulted in a resegregation of the system. The Eighth Circuit was aware that the population movements were controlled by enforced private agreements and by governmental instrumentalities and agencies (state and federal). The instrumentalities and agencies included school districts,state and federal courts, restrictive covenants, real estated Boards, real estate Bankers Association, F.H.A., H.U.D., Veterans Administration, and others. The result was that what was known as South St. Louis and (Far) North St. Louis remained

white and middle St. Louis remained black. The Board or the State of Missouri attempted no method of students assignment other than by neighborhoods with variations to maintain the "black" or "white" characteristics of the schools. The School Board would "turn-over" whole formerly all white buildings to black children and if necessary bus in black children under the guise of "relieving over-crowding".

The St. Louis Board of Education having adopted a modified neighborhood policy in 1954, the State's claim that there is little or no evidence that pre-1954 all black schools remained so and that pre-1954 all white schools in South St. Louis remained so is not well founded. However, there is no evidence (documentary or otherwise) that a black neighborhood or school in 1954 ever changed to all white or predominantly white at anytime after 1954. Further, there is no evidence that pre-1954 all white schools in South St. Louis had a significant number of walk-in black students at anytime after 1954; and what black students they did have were bused in "to relieve over-crowding" in black schools and to keep the buildings open for the white neighborhood children.

The State of Missouri claims (Petition P. 7) that to use 1962 statistics "presumes a continuity of the racial composition of the schools in question". This statement ignores the testimony of Dr. Ernest Jones, Deputy Superintendent and Dr. Julius Dix, an area Superintendent (both products of the St. Louis school systesm as students, teachers, principals and administrators) that certain of the pre-1954 black or white schools during the period 1954 - 1962 did not change their racial charactertitics. See testimony of Dr. J. Dix, Tr. pp. 2437-2440; pp. 2450-2465, Testimony of Dr. Ernest Jones, Tr. pp. 1496-1505.

Further, the State of Missouri (Petition P. 11-12) state that the Eighth Circuit Court of Appeals in 1976 (546 F. 2d 768, 772) assumed "prior to any trial on the merits that the St. Louis school system was not unitary". The Court of Appeals was interpreting a detailed agreed statement of facts which was the basis of the consent decree entered at that time (Liddell vs. Caldwell, 546 F. 2d. 768 (1976) and that conclusion was not based on assumptions.

II.

The Court of Appeals' Finding of Liability Against The State of Misouri Is Not Erroneous As Being:

a. Contrary to Due Process;

b. Vague and Incomprehensiable; and

c. The leval of finding does not exceed the level of premissible relief available.

The State of Missouri complains that it nor its officers were named defenddants at the time the suit was originally filed. The school district was sued in its offical capacity as an instrumentality of the State of Missour created and operating pursuant to authority granted by the State of Missouri in the exercise of the state function to provide a public education to children between certain ages. For failure to perform properly those granted functions the State by statute authorized suit directly against the school district as an instumentality of the state. Beacause this law

suit could convict the school district as an instumentality of the State of improperly performing certain state functions, the District Court ordered the State of Missouri and certain officially joined as party defendants. (See Resp. Liddell, App. A.) They were promptly notified and the State of Missouri, et al. were represented thereafter by the Attorney General of the State of Missouri. Whether the pleadings needed amending or should have been amended to assert against the State directly the claims asserted against its instrumentalitiy in the exercise of state granted functions was never raised by the State of Missouri and all proceedings were fully participated in by the State without complaint as long as the State of Missouri assumed that matters involved were going according to its liking.

We submit that Petitioner, State of Missouri cannot now complain that it was made a party to this suit by the action of the District Court. The State never complained until it was ordered to pay money as part of the remedy. Seemingly, the State complains about the amount of payments, not the fact of payment. This is hardly a denial of due process.

The Liddell Respondents believe that the holding of the Court of Appeals, Eighth Circuit, are clear and understandable.

In the Eighth Circuit opinion Adams vs. United States, 620 F. 2d. 1277, cert. denied, 101 S. Ct. 88 (1980) the appeals court noted that the District Court had determined that the various defendants (including the State of Missouri had done no constitutional wrongs "in the formation and perpetration of the admittedly segregated

St. Louis public school system". This determination of the District Court was reversed in the above March 3, 1980 opinion. (The various State defendants had been added in July 13, 1977) (Liddell Appendix A.) 620 F. 2d. 1277, 1283. In making the reversal, the Appeals Court recognized the State constitutional requirements for racially segregated schools and that actions of the State of Missouri intensified racial segregation in North St. Louis and in the entire St. Louis area. id at 1291, 1294, note 27. The State of Missouri did not seek a review of these determinations. Only Adams sought a review and this Court denied certiorari, 101 S. Ct. 88 (1980).

After a hearing on the remedy the District Court found and held that the State defendants were the "primarily constitutional wrongdoers who have abdicated their affirmative remedial duty", concerning the segregated St. Louis public school system. Liddell vs. Board of Education, 491 F. Supp. 351, 259 (1980). On February 13, 1981, the Eighth Circuit Appeals Court affirmed, including the District Court's implementation. (Petitioner App. B, p. A-33-A34). See, also, Petitioner's App. A, p. A-1 Appeals Ct. Opinion of February 13, 1981.

As to the breath of the equitable powers of the court see Petitioners' App. E, P. A-60.

III.

The District Court Did Not Exceed Its Authority and Did Not Violate Due Process in Paragraphs 12 Of Its May 21, 1980 Order In Which It Required The Submission Of"...A Suggested Plan of Interdistrict School Desegregation, Necessary To Eradicate The Remaining Vestiges of Government Imposed Schools Segregation in The City of St. Louis and in St. Louis County

We believe that the District Court did not violate due process against the State of Missouri. It must be remembered that paragraph 12 a, b and c plans are designed to have the State of Missouri participate in correcting a constitutional wrong that the State of Missouri produced and helped perpetuate and which wrong is not constitutionally corrected as to more than 30,000 black students in North St. Louis by the plan approved by District Court and the Eighth Circuit Court of Appeals. Liddell Respondents submit that if anyone is harmed it is the black children in North St. Louis who have been retained in their pre-1954 conditions with no hope for the equal protection of the law. The State of Missouri has the power to relieve pre-1954 conditions for the black schools children of North St. Louis, if it saw fit to do so. That power is vested. (See Resp. Liddell - Appendix B)

However, 12 a and b are not problems. The districts have not seen for to volunteer; or they have consented to something which pleases them. Paragraph 12c is no problem because it has been suspended by the District Court. And, if not suspended would require a hearing.

Further, Liddell Respondents submit that the States reference to State constitutional restrictions (Petition, p. 27) is a misapplication of the law. The restriction is against "local or special law" and does not restrict the general legislative powers of the State of Missouri in setting or providing for the establishment of school districts. The power of legislative classification is the remedy. (Example: the City of St. Louis is the only school district denominated as a metropolitan schools district) School district are

creatures of the State of Missouri and can exercise only such powers as the State authorizes. It is up to the State to act.

CONCLUSION

The Liddell Respondents adopt by referencce and make a part hereof State Petitioners Appendices A through F; and attach hereto Liddell Respondents Appendices A and B and make a part hereof.

Further, for the reasons stated herein, the Application for the Writ of Certiorari to the Eighth Circuit Court of Appeals should be denied.

RESPECTFULLY SUBMITTED,

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FILED
MAY 13 1977
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U. S. DISTRICT COURT
E. DISTRICT OF MO.

APPENDIX A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CRATON LIDDELL, et al.,

Plaintiffs,

and

EARLINE CALDWELL, A Minor, et al.,

Plaintiffs-Intervenors,

vs.

THE BOARD OF EDUCATION OF THE CITY OF ST. LOUIS, MISSOURI, et al.,

Defendants.

No. 72 C 100 (1)

ORDER

The motions of intervening plaintiffs and of amicus curiae, United States of America, Department of Justice, to require defendants to implement their plan of desegregation on or before September 1977 are denied. This Court had a meeting of counsel for all parties and all amicus curiae on April 21 and 22, 1977. At that meeting the defendant Board of Education made it clear that if their plan were to be put into effect in September 1977, it would be necessary to commit funds by May 1, 1977, to let contracts for renovation of certain schools by May 25, 1977, and to let contracts for transportation by June 14, 1977. The plan of desegregation advanced by the Board of Education of the City of St. Louis, Missouri, was opposed in writing or orally by the plaintiff intervenors, the plaintiffs, and all amicus curiae. The only part of the plan to which all parties agreed was the Magnet School Program. Accordingly, this Court entered its order setting out a date for hearing on July 25, 1977, with provisions for discovery by all parties on certain dates. Thereafter,

the plaintiffs, the plaintiff-intervenors, the United States, Department of Justice, Civil Rights Division, have all filed alternate plans. Other amicus curiae have also filed suggestions to oppose or modify the defendants' plan. The defendants are proceeding with the Magnet School Program.

On May 20, 1977, at a meeting of counsel, the intervening plaintiffs, the United States, Department of Justice, Civil Rights Division, reversed their positions and requested the Court to order the defendants to proceed. This was supplemented by written motion of intervening plaintiffs on May 23, 1977. In the due course of time, after an orderly hearing, the Court will make a decision. To order the defendants to proceed at this point would be a denial of due process to all parties concerned.

In the light of recent Supreme Court cases: Milliken v. Bradley, No. 76-447, decided June 27, 1977; Dayton Board of Education v. Brinkman, No. 76-539, decided June 27, 1977; and School District of Omaha v. United States, No. 76-705, decided June 29, 1977, it is necessary for this Court to determine if there has been a constitutional violation by the defendants. This determination has never been made by the consent decree nor the stipulation of facts, and the stipulation of facts denies any constitutional violation by defendants. All parties are bound by the stipulation of facts and the consent decree. The remedy to be adopted by the Court will depend on the nature and extent of the constituional violation, if any. These matters will be considered by the Court at the July 25, 1977, hearing in light of the evidence introduced and the briefs of the parties.

Defendants' motions to dismiss the plans proposed by the plaintiff, plaintiff intervenors, NAACP, and the Department of Justice,

Civil Rights Division, are denied. The plans will be considered by the Court along with other plans.

The motions of the City of St. Louis and Janice Adams, et al., to intervene and become parties plaintiff instead of amicus curiae be and are hereby granted.

The motion of amicus curiae Adams, et al., for a protective order to restrain plaintiffs, plaintiff-intervenors, and amicus curiae United States, Department of Justice, Civil Rights Dvision, from further discovery is denied.

The motions of defendants, plaintiff-intervenors, and United States, Department of Justice, Civil Rights Division, to add as additional parties-defendant the following: The State of Missouri, the Commissioner of Education of the State of Missouri, and The State of Missouri Board of Education, are granted and these parties-defendant are hereby added to this suit.

The motion of amicus curiae Adams, et al., to strike and dismiss is now moot and is denied.

Dated this 13th day of July, 1977.

James H. Meredith
United States District Judge

APPENDIX B

IN THE
SUPREME COURT OF THE UNITED STATES

NO. A-825

MISSOURI, et al.,

Petitioners,

v.

CRATON LIDDELL, et al.,

Respondents.

MEMORANDUM OF RESPONDENT CRATON LIDDELL, et al.,
CONCERNING APPLICATION FOR STAY OF MANDATE OF THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Pursuant to the request of Mr. Justice Blackmun, the Liddell, et al., Plaintiffs, inform him that the Liddell, et al., Plaintiffs, do oppose the application for stay of mandate requested by the State of Missouri in Liddell, et al. v. Board of Education of City of St. Louis, Missouri, Nos. 80-1458, 1494, 1531, 1549, and 1735 (8th Cir. 1981).

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The undersigned counsel certifies that the foregoing instrument was served upon the following counsel of record on this 8th day of April, 1981:

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MEMO IN SUPPORT OF PLAINTIFFS'
SUGGESTION OPPOSING STAY

Liddell, et al., the original Plaintiffs herein, oppose the stay of mandate requested by the State of Missouri, and further say to the Mr. Justice Blackmun that the resolution of the question of presenting a Constitutional plan of desegregation to the Court has been delayed much too long.

The issue of whether the plan implemented by the Board of Education in 1954-55 with the blessings of the State of Missouri met Constitutional requirements was decided against the Board of Education of St. Louis and its Co-Defendant, the State of Missouri by the Eighth Circuit Court of Appeals, March 3, 1980. Liddell, et al. v. Board of Education, et al.

The Eighth Circuit Court of Appeals ruled that the plan of the Board of Education of the City of St. Louis did not dismantle the pre-1954 dual system of segregated schools and that it was never done. This decision was not appealed by the Defendants, State of Missouri nor the City of St. Louis Board of Education.

The exclusive and ultimate responsibility for a public education in the State of Missouri is vested in the legislature of the State of Missouri.

Article IX Subsection 1(a) Mo. Constitution sets out:

> A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law. Separate schools shall be provided for white and colored children, except in cases otherwise provided for by law.

This law remained on the books until 1976 when, by special election, the provision as to separate schools for white children and colored children was removed from the Constitution, twenty-two years after Brown I and Brown II and 101 years after its enactment by the General Assembly in 1875.

Establishment and maintenance of the public school system is primarily the function of the State.

However, the State of Missouri would have you believe that it was not a party to this lawsuit and was not a Defendant against whom judgment was rendered.

The State of Missouri in its Suggested Memorandum points out in great detail that the Eighth Circuit Court of Appeals mandate was directed towards the City of St. Louis Board of Education, and that said Board is primarily responsible for the correction of the Constitutional violations which existed prior to Brown I and since Brown I to the present, and the corrections of these violations is the responsibility and duty of the City Board of Education.

These Plaintiffs hold that the State of Missouri has either misread or failed to understand mandate of the Eighth Circuit Court of Appeals or the Constitution of the State of Missouri.

The State of Missouri is a sovereign body in which is vested the ultimate responsibility of providing a Constitutional setting for the education for all students, black and white, which is devoid of the vestiges of segregations.

In State v. Andrae, 106 S.W.561 the Supreme Court of Missouri decided long ago that the State had the power and the duty to combine districts, expand districts and that there were no restrictions on the state legislature except the general limitations as to legislative action.

The Court further said: "The General Assembly establishes districts, provides for boards of directors, and county and city superintendents and under general law provides for local self-government in school matters."

It is the furthered opinion of these Plaintiffs that the State of Missouri has apparently written off equal educational opportunities for the pupils of the City of St. Louis when it says that districts surrounding the City of St. Louis have no responsibility and no duty to provide or to participate in a plan of desegregation unless an inter-district violation is found by the Courts against said districts.

The State has the ultimate responsibility for providing public education; the school districts are simply arms of the State, organized and established primarily for the purpose of carrying out the State's mandate to provide public education.

These Plaintiffs, as furth r reason for opposing the stay requested by the State of Missouri, would suggest that the State of Missouri is not and cannot be compared to Virginia or Michigan or other states where the final and ultimate authority for education is in local board or district.

Missouri is one district, divided into subdistricts for the benefit of the State and the State cannot and should not be permitted to enjoy the luxury of further delay by arguing, as it attempts to do in its suggestions for stay, that there must be a showing of a Constitutional violation against said districts. The question is whether the State of Missouri by its action or inaction has permitted segregation in any district. The answer must be yes.

The Courts have consistently held that regardless of the method used by a school board, in this instant, the State of Missouri, acting by and through its State Board of Education, it cannot continue the operation of dual systems of schools, Bradley, et al. v. The School Board of the City of Richmond, 382 U.S. 103, 865, Ct. 224.

The State is a party to this lawsuit and has always been a party to this lawsuit. The State had the opportunity to raise any issue in the appropriate forum and apparently did when it deemed it to be to its advantage. It cannot come in now and suggest the clean hands doctrine.

Over nine years have past since the filing of this lawsuit and 27 years since Brown v. Board of Education, 347 U.S. 483 (1954) and the children of St. Louis, especially North St. Louis, are yet in all black schools, the vestiges of segregation still abound.

These Plaintiffs would suggest that the State's motion for stay be denied.

Respectfully Submitted,

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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF MISSOURI, ET AL.,)
Petitioners,)
vs.)
CRATON, LIDDELL, ET AL.,)
Respondents.)

No. 80-2152

MOTION TO FILE TYPEWRITTEN BRIEF
IN FORMA PAUPERIS

Come now Respondents by and through their attorneys, and respectfully move this Honorable Court to make and enter its order authorizing the Respondents Craton Liddell, et al to prepare typewritten copies of their brief in opposition to Petitioner's State of Missouri, et al., Application for Writ of Certiorari and as grounds therefore state:

1. That respondents are original plaintiffs who instituted this lawsuit in 1972.

2. That these respondents are poor persons without benefit of persons or orginzations to help defray the costs of this litigation. That throughout the history of this case these respondents have had an exceedingly difficult time paying expenses.

3. That these respondents have not at any time during the history of this case, had funds necessary to pay attorneys and are yet responsible for said fees and expenses.

4. That each of the plaintiffs/appellees are members of large families and their family incomes are under $20,000.00.

5. That these plaintiffs further allege that the issues involved herein are of great public interest and importance, not only in the metropolitan St. Louis area, but nationwide.

WHEREFORE, respondents pray that this Honorable Court make and enter its order permitting these respondents to prepare a typewritten brief, and for such and further orders to this Court may be meet and proper in the premises.

Respectfully Submitted,

William P. Russell

William P. Russell
Joseph S. McDuffie
Anne-Marie Clarke
Atorneys for Liddell, et al.,
408 Olive, Suite 715
St. Louis, Missouri 63102
621-4525

A F F I D A V I T

We, the undersigned, first being duly sworn upon our oath say that Affiants are poor persons and the natural guardians of the minors on whose behalf this action was brought, that we do not have the financial ability to pay the costs and expenses of this litigation. That the facts stated in the attached motion are true to our best knowledge and belief.

We respectfully request that this Court permit the filing of a typewritten brief in opposition to Application for Writ of Certiorari.

Minnie Liddell
Minnie Liddell

Barbara A. Goldsby
Barbara Goldsby

Samuel Yarber
Samuel Yarber

Louise Moore
Louise Moore

Lois Le Grand
~~Louise~~ LeGrand
L or S

Subscribed and sworn to before me this 18th day of August, 1981.

Ira M. Young
NOTARY PUBLIC

IRA M. YOUNG
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS CO.
MY COMMISSION EXPIRES APR. 26 1982
ISSUED THRU MISSOURI NOTARY ASSOC.

My term expires:

William P. Russell
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Joseph S. McDuffie
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